

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

DRIFTLESS AREA LAND CONSERVANCY
and WISCONSIN WILDLIFE FEDERATION,

Plaintiffs,

v.

MICHAEL HUEBSCH, REBECCA VALCQ,
ELLEN NOWAK, and PUBLIC SERVICE
COMMISSION OF WISCONSIN,

Defendants.

No. 19-cv-1007

**INTERVENOR-DEFENDANTS AMERICAN TRANSMISSION COMPANY LLC,
DAIRYLAND POWER COOPERATIVE, AND ITC MIDWEST LLC’S
JOINT NOTICE OF MOTION AND MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)(1) and 12(b)(6)**

Pursuant to FED. R. CIV. P. 12(b)(1) and 12(b)(6), Intervenor-Defendants American Transmission Company, LLC, by its corporate manager ATC Management Inc. (“ATC”), Dairyland Power Cooperative (“Dairyland”), and ITC Midwest LLC (“ITC Midwest”) (collectively, the “Co-Owners”) respectfully move this Court to dismiss the Complaint (ECF No. 1, “Compl.”) filed by the Driftless Area Land Conservancy (“DALC”) and the Wisconsin Wildlife Federation (“WWF”) (collectively, the “Plaintiffs”) in the above-captioned matter. The grounds for this motion (the “Motion”) are set forth in greater detail in the brief in support of the Motion, which is being filed concurrently herewith. The Co-Owners respectfully request that the Court permit each of the Co-Owners to address the Court at a hearing on the Motion, to the extent that one is held, at a time and date to be set by the Court.

Dated: January 24, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2020, I electronically served the forgoing document on all counsel of record registered for electronic filing in the above-captioned proceeding by filing the same with the Clerk of Court using the Court's ECF system.

/s/ Brian H. Potts

Brian H. Potts, SBN 1060680

*Attorney for Intervenor-Defendants
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